

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:18-cv-02907-GBD**

Natixis Funding Corporation v. Genon Mid-Atlantic, LLC
Assigned to: Judge George B. Daniels
Case in other court: New York State Supreme Court, County of New
York, 650817-2018
Cause: 28:1334 Bankruptcy Appeal

Date Filed: 04/02/2018
Date Terminated: 02/19/2019
Jury Demand: None
Nature of Suit: 190 Contract: Other
Jurisdiction: Federal Question

Plaintiff

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Date Filed	#	Docket Text
04/02/2018	<u>1</u>	FILING ERROR – PDF ERROR – NOTICE OF REMOVAL from Supreme Court, County of New York. Case Number: 650817/2018. (Filing Fee \$ 400.00, Receipt Number 0208-14888295). Document filed by Genon Mid-Atlantic, LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10)(Cooper, Benjamin) Modified on 4/3/2018 (jgo). (Entered: 04/02/2018)
04/02/2018	<u>2</u>	FILING ERROR – PDF ERROR – CIVIL COVER SHEET filed. (Cooper, Benjamin) Modified on 4/3/2018 (jgo). (Entered: 04/02/2018)

04/02/2018	<u>3</u>	NOTICE OF APPEARANCE by Benjamin Fader Cooper on behalf of Genon Mid-Atlantic, LLC. (Cooper, Benjamin) (Entered: 04/02/2018)
04/02/2018	<u>4</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent GenOn Americas Generation, LLC, Corporate Parent GenOn Energy Holdings, Inc., Corporate Parent NRG North America LLC, Corporate Parent NRG Americas, Inc., Corporate Parent GenOn Energy, Inc., Corporate Parent NRG Energy, Inc. for Genon Mid-Atlantic, LLC. Document filed by Genon Mid-Atlantic, LLC.(Cooper, Benjamin) (Entered: 04/02/2018)
04/03/2018	<u>1</u>	***NOTICE TO ATTORNEY REGARDING REMOVAL OF PARTY. Notice to attorney Benjamin Fader Cooper. The following party/parties has been removed from this case: Natixis, New York Branch; Morgantown OL1; Morgantown OL2; Morgantown OL3; Morgantown OL4; Morgantown OL5; Morgantown OL6; Morgantown OL7; Dickerson OL1 LLC; Dickerson OL2 LLC; Dickerson OL3 LLC; Dickerson OL4 LLC; U.S. Bank National Association, as Lease Indenture Trustee. The party was added to the case in error. (jgo) (Entered: 04/03/2018)
04/03/2018	<u>1</u>	***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Benjamin Fader Cooper to RE-FILE Document No. <u>1</u> Notice of Removal,. The filing is deficient for the following reason(s): Pursuant to Rule 13.3, exhibits to Notice of Removals are to be labeled i.e. Summons and Complaint. Re-file the pleading using the event type Notice of Removal found under the event list Complaints and Other Initiating Documents – attach the correct signed PDF – select the individually named filer/filers – select the individually named party/parties the pleading is against. (jgo) (Entered: 04/03/2018)
04/03/2018	<u>1</u>	***NOTICE TO ATTORNEY REGARDING DEFICIENT CIVIL COVER SHEET. Notice to attorney Benjamin Fader Cooper to RE-FILE Document No. <u>2</u> Civil Cover Sheet. The filing is deficient for the following reason(s): Jury Demand Code – No selection;. Re-file the document using the event type Civil Cover Sheet found under the event list Other Documents and attach the correct PDF. Use civil cover sheet issued by S.D.N.Y. dated June 2017. The S.D.N.Y. Civil Cover Sheet dated June 2017 is located at http://nysd.uscourts.gov/file/forms/civil-cover-sheet.. (jgo) (Entered: 04/03/2018)
04/03/2018	<u>1</u>	***NOTICE TO ATTORNEY REGARDING CIVIL CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Benjamin Fader Cooper. The following case opening statistical information was erroneously selected/entered: Cause of Action code none; Fee Status code due (due);. The following correction(s) have been made to your case entry: the Cause of Action code has been modified to 28:1334; the Fee Status code has been modified to pd (paid);. (jgo) (Entered: 04/03/2018)
04/03/2018	<u>1</u>	CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge George B. Daniels. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (jgo) (Entered: 04/03/2018)
04/03/2018	<u>1</u>	Magistrate Judge Henry B. Pitman is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (jgo) (Entered: 04/03/2018)
04/03/2018	<u>1</u>	Case Designated ECF. (jgo) (Entered: 04/03/2018)
04/04/2018	<u>5</u>	NOTICE OF REMOVAL from Supreme Court, County of New York. Case Number: 650817/2018..Document filed by Genon Mid-Atlantic, LLC. (Attachments: # <u>1</u> Exhibit 1 – Summons and Complaint, # <u>2</u> Exhibit 2 – Request for Judicial Intervention, # <u>3</u> Exhibit 3 – Request

for Judicial Intervention Addendum, # 4 Exhibit 4 – Commercial Division Request for Judicial Intervention Addendum, # 5 Exhibit 5 – Notice of Appearance – L. Bush (Natixis), # 6 Exhibit 6 – Notice of Appearance – N. Binder (Natixis), # 7 Exhibit 7 – Notice of Appearance – T. Harvey (Natixis), # 8 Exhibit 8 – Notice of Appearance – M. Conway (U.S. Bank), # 9 Exhibit 9 – Notice of Appearance – M. Conway (U.S. Bank–Lease Indenture Trustee), # 10 Exhibit 10 – Notice of Appearance – S. Forte (U.S. Bank–Lease Indenture Trustee))(Cooper, Benjamin) (Entered: 04/04/2018)

04/04/2018	<u>I 6</u>	CIVIL COVER SHEET filed. (Cooper, Benjamin) (Entered: 04/04/2018)
04/04/2018	<u>I 7</u>	MOTION for Stephen C. Hackney to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–14898194. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Genon Mid–Atlantic, LLC. (Attachments: # <u>1</u> Affidavit Affidavit of S. Hackney in Support of Motion for Admission Pro Hac Vice, # <u>2</u> Text of Proposed Order Proposed Order Granting Motion to Appear Pro Hac Vice)(Hackney, Stephen) (Entered: 04/04/2018)
04/04/2018	<u>I 8</u>	MOTION for William E. Arnault to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–14898299. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Genon Mid–Atlantic, LLC. (Attachments: # <u>1</u> Affidavit Affidavit in Support of William E. Arnault in Support of Motion for Admission Pro Hac Vice, # <u>2</u> Text of Proposed Order Proposed Order Granting Motion for Admission Pro Hac Vice)(Arnault, William) (Entered: 04/04/2018)
04/04/2018	<u>I 9</u>	MOTION for Ravi S. Shankar to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–14898321. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Genon Mid–Atlantic, LLC. (Attachments: # <u>1</u> Affidavit Affidavit of Ravi S. Shankar in Support of Motion for Admission Pro Hac Vice, # <u>2</u> Text of Proposed Order Proposed Order Granting Motion for Admission Pro Hac Vice)(Shankar, Ravi) (Entered: 04/04/2018)
04/04/2018	<u>I 10</u>	MOTION for Kelsey Bleiweiss to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–14898346. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Genon Mid–Atlantic, LLC. (Attachments: # <u>1</u> Affidavit Affidavit of Kelsey Bleiweiss in Support of Motion for Admission Pro Hac Vice, # <u>2</u> Text of Proposed Order Proposed Order Granting Motion for Admission Pro Hac Vice)(Bleiweiss, Kelsey) (Entered: 04/04/2018)
04/04/2018	<u>I</u>	>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>10</u> MOTION for Kelsey Bleiweiss to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–14898346. Motion and supporting papers to be reviewed by Clerk's Office staff., <u>2</u> MOTION for Ravi S. Shankar to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–14898321. Motion and supporting papers to be reviewed by Clerk's Office staff., <u>7</u> MOTION for Stephen C. Hackney to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–14898194. Motion and supporting papers to be reviewed by Clerk's Office staff., <u>8</u> MOTION for William E. Arnault to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–14898299. Motion and supporting papers to be reviewed by Clerk's Office staff.. The documents have been reviewed and there are no deficiencies. (jc) (Entered: 04/04/2018)
04/04/2018	<u>I 11</u>	INITIAL PRETRIAL CONFERENCE: Initial Conference set for 6/27/2018 at 09:30 AM in Courtroom 11A, 500 Pearl Street, New York, NY 10007 before Judge George B. Daniels, as further set forth in this order. (Signed by Judge George B. Daniels on 4/4/2018) (jwh) (Entered: 04/04/2018)
04/05/2018	<u>I 12</u>	ORDER FOR ADMISSION PRO HAC VICE: granting <u>7</u> Motion for Stephen C. Hackney to Appear Pro Hac Vice. (Signed by Judge George B. Daniels on 4/5/2018) (ap) (Entered: 04/05/2018)
04/05/2018	<u>I 13</u>	ORDER FOR ADMISSION PRO HAC VICE: granting <u>8</u> Motion for William E. Arnault to Appear Pro Hac Vice. (Signed by Judge George B. Daniels on 4/5/2018) (ap) (Entered: 04/05/2018)

04/05/2018	<u>14</u>	ORDER FOR ADMISSION PRO HAC VICE: granting <u>10</u> Motion for Kelsey Bleiweiss to Appear Pro Hac Vice. (Signed by Judge George B. Daniels on 4/5/2018) (ap) (Entered: 04/05/2018)
04/05/2018	<u>15</u>	ORDER FOR ADMISSION PRO HAC VICE: granting <u>9</u> Motion for Ravi S. Shankar to Appear Pro Hac Vice. (Signed by Judge George B. Daniels on 4/5/2018) (ap) (Entered: 04/05/2018)
04/06/2018	<u>16</u>	NOTICE OF APPEARANCE by Neil Stephen Binder on behalf of Natixis Funding Corporation. (Binder, Neil) (Entered: 04/06/2018)
04/06/2018	<u>17</u>	NOTICE OF APPEARANCE by Wendy Helene Schwartz on behalf of Natixis Funding Corporation. (Schwartz, Wendy) (Entered: 04/06/2018)
04/06/2018	<u>18</u>	NOTICE OF APPEARANCE by Martin Tomas Murphy on behalf of Natixis Funding Corporation. (Murphy, Martin) (Entered: 04/06/2018)
04/06/2018	<u>19</u>	NOTICE OF APPEARANCE by Tessa Brianne Harvey on behalf of Natixis Funding Corporation. (Harvey, Tessa) (Entered: 04/06/2018)
04/11/2018	<u>20</u>	STIPULATION: IT IS HEREBY STIPULATED AND AGREED by the parties hereto, through their undersigned counsel, as follows: 1. NFC shall file the Remand Motion on or before April 26, 2018. 2. GenMa shall file the Transfer Motion and its opposition to NFC's Remand Motion on or before May 24, 2018. 3. NFC shall file its reply in support of the Remand Motion and its opposition to GenMa's Transfer Motion on or before June 21, 2018. 4. GenMa shall file its reply in support or the Transfer Motion on or before July 9, 2018. 5. GenMa's time to answer or otherwise respond to the Complaint shall be and hereby is extended from April 9, 2018 to the date that is 21 days following (a) the date that the remanded case is re-docketed in the New York State Court, if the Remand Motion is granted; (b) the date that the transferred case is docketed in the United States Bankruptcy Court for the Southern District of Texas, if the Remand Motion is denied and the Transfer Motion is granted; or (c) the latest date that an order denying either of the Motions is entered, if both Motions are denied. (Motions due by 4/26/2018. Cross Motions due by 5/24/2018. Responses due by 6/21/2018. Replies due by 7/9/2018.) (Signed by Judge George B. Daniels on 4/11/2018) (jwh) (Entered: 04/11/2018)
04/12/2018	<u>21</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent Natixis S.A., Corporate Parent Natixis North America LLC, Corporate Parent Groupe BPCE for Natixis Funding Corporation. Document filed by Natixis Funding Corporation.(Binder, Neil) (Entered: 04/12/2018)
04/16/2018	<u>22</u>	NOTICE of Statement upon Removal Pursuant to Fed. R. Bankr. P. 9027(e)(3) re: <u>5</u> Notice of Removal,,, Document filed by Natixis Funding Corporation. (Binder, Neil) (Entered: 04/16/2018)
04/26/2018	<u>23</u>	MOTION to Remand to State Court <i>Based on Lack of Jurisdiction or, in the Alternative, Principles of Abstention or Equity</i> . Document filed by Natixis Funding Corporation.(Binder, Neil) (Entered: 04/26/2018)
04/26/2018	<u>24</u>	MEMORANDUM OF LAW in Support re: <u>23</u> MOTION to Remand to State Court <i>Based on Lack of Jurisdiction or, in the Alternative, Principles of Abstention or Equity</i> . . Document filed by Natixis Funding Corporation. (Binder, Neil) (Entered: 04/26/2018)
04/26/2018	<u>25</u>	DECLARATION of Neil S. Binder in Support re: <u>23</u> MOTION to Remand to State Court <i>Based on Lack of Jurisdiction or, in the Alternative, Principles of Abstention or Equity</i> .. Document filed by Natixis Funding Corporation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G)(Binder, Neil) (Entered: 04/26/2018)
05/24/2018	<u>26</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – MOTION to Transfer Case . Document filed by Genon Mid-Atlantic, LLC.(Cooper, Benjamin) Modified on 5/31/2018 (ldi). (Entered: 05/24/2018)

05/24/2018	<u>27</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – NOTICE of of Motion to Transfer re: <u>26</u> MOTION to Transfer Case .. Document filed by Genon Mid–Atlantic, LLC. (Cooper, Benjamin) Modified on 5/31/2018 (ldi). (Entered: 05/24/2018)
05/24/2018	<u>28</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – DECLARATION of Ravi S. Shankar in Support re: <u>26</u> MOTION to Transfer Case .. Document filed by Genon Mid–Atlantic, LLC. (Attachments: # <u>1</u> Exhibit NRG Americas Voluntary Petition, # <u>2</u> Exhibit Payment Agreement, # <u>3</u> Exhibit Complaint, # <u>4</u> Exhibit Stipulation for Discontinuance – GenMa, # <u>5</u> Exhibit Stipulation for Discontinuance – OL, # <u>6</u> Exhibit 2017 09 14 Trial Transcript, # <u>7</u> Exhibit 2017 09 18 Trial Transcript, # <u>8</u> Exhibit 2017 09 19 Trial Transcript, # <u>9</u> Exhibit 2017 10 04 Trial Transcript, # <u>10</u> Exhibit 2017 10 06 Trial Transcript, # <u>11</u> Exhibit 2017 10 16 AM Trial Transcript, # <u>12</u> Exhibit 2017 10 16 PM Trial Transcript, # <u>13</u> Exhibit 2017 10 18 AM Trial Transcript, # <u>14</u> Exhibit 2017 10 18 PM Trial Transcript, # <u>15</u> Exhibit 2017 10 19 Trial Transcript, # <u>16</u> Exhibit 2017–11–03 Trial Transcript, # <u>17</u> Exhibit 2017–11–07 Trial Transcript, # <u>18</u> Exhibit Texas Bankruptcy Court Order, # <u>19</u> Exhibit First Notice of Production, # <u>20</u> Exhibit Notice of Removal – In re Worldcom, # <u>21</u> Exhibit Notice of Removal – In re Residential Capital)(Cooper, Benjamin) Modified on 5/31/2018 (ldi). (Entered: 05/24/2018)
05/29/2018	<u>29</u>	ORDER: Oral argument on Plaintiff's motion to remand, (ECF No. 23), and Defendant's motion to transfer, (ECF 26), will be held on June 21, 2018 at 10:30 a.m. Set Deadlines/Hearing as to <u>23</u> MOTION to Remand to State Court <i>Based on Lack of Jurisdiction or, in the Alternative, Principles of Abstention or Equity.</i> , <u>26</u> MOTION to Transfer Case. (Oral Argument set for 6/21/2018 at 10:30 AM before Judge George B. Daniels.) (Signed by Judge George B. Daniels on 5/29/2018) (ne) Modified on 8/9/2018 (tro). (Entered: 05/29/2018)
05/31/2018	<u>30</u>	ORDER: Oral argument on Plaintiff's motion to remand, (ECF No. 23), and Defendant's motion to transfer, (ECF No. 26), is adjourned to July 18, 2018 at 10:30 a.m. (Set Deadlines/Hearing as to <u>23</u> MOTION to Remand to State Court <i>Based on Lack of Jurisdiction or, in the Alternative, Principles of Abstention or Equity.</i> , <u>26</u> MOTION to Transfer Case . (Oral Argument set for 7/18/2018 at 10:30 AM before Judge George B. Daniels.) (Signed by Judge George B. Daniels on 5/31/2018) (ne) Modified on 8/9/2018 (tro). (Entered: 05/31/2018)
05/31/2018	<u>31</u>	***NOTICE TO ATTORNEY TO RE–FILE DOCUMENT – EVENT TYPE ERROR. Notice to Attorney Benjamin Fader Cooper to RE–FILE Document <u>27</u> Notice (Other). Use the event type Transfer Case found under the event list Motions. NOTE: Re–file this document first. (ldi) (Entered: 05/31/2018)
05/31/2018	<u>32</u>	***NOTICE TO ATTORNEY TO RE–FILE DOCUMENT – EVENT TYPE ERROR. Notice to Attorney Benjamin Fader Cooper to RE–FILE Document <u>26</u> MOTION to Transfer Case . Use the event type Memorandum of Law in Support of Motion found under the event list Replies, Opposition and Supporting Documents. (ldi) (Entered: 05/31/2018)
05/31/2018	<u>33</u>	***NOTICE TO ATTORNEY TO RE–FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Notice to Attorney Benjamin Fader Cooper to RE–FILE Document <u>28</u> Declaration in Support of Motion. ERROR(S): Document linked to filing error. (ldi) (Entered: 05/31/2018)
05/31/2018	<u>31</u>	MOTION to Transfer Case . Document filed by Genon Mid–Atlantic, LLC.(Cooper, Benjamin) (Entered: 05/31/2018)
05/31/2018	<u>32</u>	MEMORANDUM OF LAW in Support re: <u>31</u> MOTION to Transfer Case . <i>OPPOSITION TO MOTION TO REMAND, AND OPPOSITION TO MOTION TO ABSTAIN</i> . Document filed by Genon Mid–Atlantic, LLC. (Cooper, Benjamin) (Entered: 05/31/2018)
05/31/2018	<u>33</u>	DECLARATION of Ravi S. Shankar in Support re: <u>31</u> MOTION to Transfer Case .. Document filed by Genon Mid–Atlantic, LLC. (Attachments: # <u>1</u> Exhibit NRG Americas Inc. Chapter 11 Petition, # <u>2</u> Exhibit 2017.01.27 Natixis Payment Agreement, # <u>3</u> Exhibit GenMa Complaint, # <u>4</u> Exhibit Stip

of Discontinuance (GenMa), # 5 Exhibit Stip of Discontinuance (OL), # 6 Exhibit 2017 09 14 GenOn Motion to Estimate Trial, # 7 Exhibit 2017 09 18 GenOn Motion to Estimate Trial, # 8 Exhibit 2017 09 19 GenOn Motion to Estimate Trial, # 9 Exhibit 2017 10 04 GenOn Motion to Estimate Trial, # 10 Exhibit 2017 10 06 GenOn Motion to Estimate Trial, # 11 Exhibit 2017 10 16 AM Session GenOn Motion to Estimate Trial, # 12 Exhibit 2017 10 16 PM Session GenOn Motion to Estimate Trial, # 13 Exhibit 2017 10 18 AM Session GenOn Motion to Estimate Trial, # 14 Exhibit 2017 10 18 PM Session GenOn Motion to Estimate Trial, # 15 Exhibit 2017 10 19 GenOn Motion to Estimate Trial, # 16 Exhibit 2017-11-03 GenOn Motion to Estimate Trial, # 17 Exhibit 2017-11-07 GenOn Closing Arguments & Ruling, # 18 Exhibit Order Modifying Third Amended Joint Chapter 11 Plan, # 19 Exhibit Plaintiffs' First Notice for Production to GenMa, # 20 Exhibit WorldCom Notice of Removal, # 21 Exhibit Residential Capital Notice of Removal)(Cooper, Benjamin) (Entered: 05/31/2018)

06/20/2018	<u>I 34</u>	LETTER addressed to Judge George B. Daniels from Benjamin Fader Cooper dated June 20, 2018 re: Natixis Funding Corporation v. GenOn Mid-Atlantic, LLC. Document filed by Genon Mid-Atlantic, LLC.(Cooper, Benjamin) (Entered: 06/20/2018)
06/20/2018	<u>I 35</u>	LETTER addressed to Judge George B. Daniels from Neil S. Binder dated June 20, 2018 re: Proposed Case Management Plan and Scheduling Order. Document filed by Natixis Funding Corporation. (Attachments: # <u>1</u> Proposed Case Management Plan & Scheduling Order)(Binder, Neil) (Entered: 06/20/2018)
06/21/2018	<u>I 36</u>	MEMO ENDORSEMENT on re: <u>34</u> Letter filed by Genon Mid-Atlantic, LLC. ENDORSEMENT: The initial conference is adjourned to July 18, 2018, at 10:30 a.m. (Initial Conference set for 7/18/2018 at 10:30 AM before Judge George B. Daniels.) (Signed by Judge George B. Daniels on 6/21/2018) (jwh) (Entered: 06/21/2018)
06/21/2018	<u>I 37</u>	REPLY MEMORANDUM OF LAW in Support re: <u>23</u> MOTION to Remand to State Court <i>Based on Lack of Jurisdiction or, in the Alternative, Principles of Abstention or Equity.</i> . Document filed by Natixis Funding Corporation. (Binder, Neil) (Entered: 06/21/2018)
06/21/2018	<u>I 38</u>	DECLARATION of Neil S. Binder in Support re: <u>23</u> MOTION to Remand to State Court <i>Based on Lack of Jurisdiction or, in the Alternative, Principles of Abstention or Equity.</i> .. Document filed by Natixis Funding Corporation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Binder, Neil) (Entered: 06/21/2018)
06/21/2018	<u>I 39</u>	MEMORANDUM OF LAW in Opposition re: <u>31</u> MOTION to Transfer Case . . Document filed by Natixis Funding Corporation. (Binder, Neil) (Entered: 06/21/2018)
06/21/2018	<u>I 40</u>	DECLARATION of Neil S. Binder in Opposition re: <u>31</u> MOTION to Transfer Case .. Document filed by Natixis Funding Corporation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Binder, Neil) (Entered: 06/21/2018)
07/09/2018	<u>I 41</u>	REPLY MEMORANDUM OF LAW in Support re: <u>31</u> MOTION to Transfer Case . . Document filed by Genon Mid-Atlantic, LLC. (Cooper, Benjamin) (Entered: 07/09/2018)
07/09/2018	<u>I 42</u>	REPLY AFFIRMATION of Ravi S. Shankar in Support re: <u>31</u> MOTION to Transfer Case .. Document filed by Genon Mid-Atlantic, LLC. (Attachments: # <u>1</u> Exhibit Exhibit 22 – Letter to GenOn)(Cooper, Benjamin) (Entered: 07/09/2018)
07/18/2018	<u>I</u>	Minute Entry for proceedings held before Judge George B. Daniels: Oral Argument held on 7/18/2018 re: <u>26</u> MOTION to Transfer Case . filed by Genon Mid-Atlantic, LLC, <u>23</u> MOTION to Remand to State Court <i>Based on Lack of Jurisdiction or, in the Alternative, Principles of Abstention or Equity.</i> filed by Natixis Funding Corporation. Plaintiff Counsel: Neil Binder, Lindsay Bush, Tessa Harvey Defense Counsel: Benjamin Cooper, Ravi Shankar, Benjamin Winger and Court Reporter present. The subsequent conference is scheduled for September 26, 2018 at 10:30 a.m. (Vega, Elizabeth) (Entered: 07/18/2018)

07/18/2018	<u>43</u>	CIVIL CASE MANAGEMENT PLAN AND SCHEDULING ORDER: Initial Conference set for 6/27/2018 at 09:30 AM in Courtroom 11A at the United States District Courthouse, 500 Pearl Street, New York, NY 10007 before Judge George B. Daniels. Amended Pleadings due by 10/3/2018. Except for good cause shown, all discovery shall be commenced in time to be completed by 12/5/2018. Joinder of Parties due by 10/3/2018. Joint Pretrial Order due by 2/6/2019. The parties shall be ready for trial within 48 hours, notice on or after 3/6/2019. The estimated trial time is 6 days, and this is a non-jury trial. Case Management Conference set for 11/7/2018 at 09:45 AM before Judge George B. Daniels. Final Pretrial Conference set for 2/13/2019 at 09:45 AM before Judge George B. Daniels. (Signed by Judge George B. Daniels on 7/18/2018) (mro) (Entered: 07/18/2018)
08/17/2018	<u>44</u>	LETTER addressed to Judge George B. Daniels from Benjamin Fader Cooper dated August 17, 2018 re: Texas Bankruptcy Court's Views re Motions to Remand and Transfer. Document filed by Genon Mid-Atlantic, LLC. (Attachments: # <u>1</u> Exhibit A – July 18, 2018 SDNY Hearing Transcript, # <u>2</u> Exhibit B – August 1, 2018 SDTX Hearing Transcript, # <u>3</u> Exhibit C – August 14, 2018 SDTX Hearing Transcript)(Cooper, Benjamin) (Entered: 08/17/2018)
08/17/2018	<u>45</u>	LETTER addressed to Judge George B. Daniels from Neil S. Binder dated August 17, 2018 re: Motions to Remand and Transfer Venue. Document filed by Natixis Funding Corporation.(Binder, Neil) (Entered: 08/17/2018)
08/22/2018	<u>46</u>	ORDER: denying <u>23</u> Motion to Remand to State Court; granting <u>31</u> Motion to Transfer Case. Defendant's motion to transfer (ECF No. 31) this case to the Southern District of Texas is GRANTED. Plaintiff's motion to remand this case to New York state court (ECF No. 23) is DENIED. And as set forth herein. SO ORDERED. (Signed by Judge George B. Daniels on 8/22/2018) (ama) (Entered: 08/22/2018)
08/23/2018	<u>47</u>	NOTICE OF APPEAL from <u>46</u> Order on Motion to Remand to State Court,, Order on Motion to Transfer Case,. Document filed by Natixis Funding Corporation. Filing fee \$ 505.00, receipt number 0208-15485806. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Binder, Neil) (Entered: 08/23/2018)
08/23/2018	<u>47</u>	Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>47</u> Notice of Appeal. (tp) (Entered: 08/23/2018)
08/23/2018	<u>47</u>	Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>47</u> Notice of Appeal, filed by Natixis Funding Corporation were transmitted to the U.S. Court of Appeals. (tp) (Entered: 08/23/2018)
08/23/2018	<u>48</u>	LETTER addressed to Judge George B. Daniels from Benjamin Fader Cooper dated August 23, 2018 re: Natixis Funding Corporations Forthcoming Order to Show Cause. Document filed by Genon Mid-Atlantic, LLC.(Cooper, Benjamin) (Entered: 08/23/2018)
08/23/2018	<u>49</u>	ORDER re: <u>48</u> Letter filed by Genon Mid-Atlantic, LLC: On August 23, 2018, Plaintiff submitted a request for an order to show cause and stay, accompanied by a memorandum of law in support thereof, and the Declaration of Neil S. Binder, with accompanying exhibits. Plaintiff's request for an order to show cause and stay of this Court's August 22, 2018 transfer order (ECF No. 46) pending the resolution of Plaintiff's appeal to the United States Court of Appeals for the Second Circuit is hereby DENIED. (Signed by Judge George B. Daniels on 8/23/2018) (jwh) (Entered: 08/24/2018)
08/27/2018	<u>50</u>	TRANSCRIPT of Proceedings re: conference held on 7/18/2018 before Judge George B. Daniels. Court Reporter/Transcriber: Raquel Robles, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/17/2018. Redacted Transcript Deadline set for 9/27/2018. Release of Transcript Restriction set for 11/26/2018.(McGuirk, Kelly) (Entered: 08/27/2018)

08/27/2018	<u>I</u> <u>51</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 7/18/18 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 08/27/2018)
08/29/2018	<u>I</u> <u>52</u>	ORDER of USCA (Certified Copy) as to <u>47</u> Notice of Appeal, filed by Natixis Funding Corporation. USCA Case Number 18-2493. Appellant moves for an emergency stay of the district court's August 22, 2018 order transferring this action to the U.S. District Court for the Southern District of Texas, pending resolution of this appeal. Appellee opposes the motion. IT IS HEREBY ORDERED that Appellant's request for a stay pending appeal is REFERRED to a three-judge motions panel. The Court grants a temporary stay of the district court's August 22, 2018 transfer order until the motions panel determines Appellant's request for a stay pending appeal. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 08/29/2018. (nd) (Entered: 08/29/2018)
02/15/2019	<u>I</u> <u>53</u>	MANDATE of USCA (Certified Copy) as to <u>47</u> Notice of Appeal, filed by Natixis Funding Corporation. USCA Case Number 18-2493. Appellant moves for a stay pending appeal of the district court's order transferring the case to the Southern District of Texas, and, in the alternative, requests a writ of mandamus directing the district court to vacate its transfer order. Appellee moves to dismiss the appeal for lack of jurisdiction. Upon due consideration, it is hereby ORDERED that Appellee's motion is GRANTED and the appeal is DISMISSED for lack of jurisdiction, because no final judgment has been entered and there is no other basis for immediate appeal. See Wilkins v. Am. Exp.- Isbrandtsen Lines, Inc., 401 F.2d 151, 151 (2d Cir. 1968) (order denying a remand is not final and appealable). Appellant's request to construe the appeal as a petition for writ of mandamus is DENIED because Appellant has not demonstrated that its right to issuance of the writ is clear and indisputable. See In re Roman Catholic Diocese of Albany, New York, Inc., 745 F.3d 30, 35 (2d Cir. 2014) (per curiam); Linde v. Arab Bank, PLC, 706 F.3d 92, 107 (2d Cir. 2013). It is further ORDERED that Appellant's motion for a stay is DENIED as moot.. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 2/15/2019. (nd) (Entered: 02/15/2019)
02/15/2019	<u>I</u>	Transmission of USCA Mandate to the District Judge re: <u>53</u> USCA Mandate,,,,,. (nd) (Entered: 02/15/2019)
02/19/2019	<u>I</u> <u>54</u>	ORDER re: <u>53</u> USCA Mandate: By order dated August 22, 2018 (the "Order"), this Court granted Defendant's motion to transfer this action to the Southern District of Texas. (ECF No. 46.) On February 15, 2019, the Second Circuit issued a mandate dismissing Plaintiff's appeal of the Order for lack of jurisdiction, denying Plaintiff's motion to construe the appeal as a petition for writ of mandamus, and denying Plaintiff's motion for a stay of the Order pending appeal as moot. (ECF No. 53.) The Clerk of Court is directed to transfer this action to the Southern District of Texas. (Signed by Judge George B. Daniels on 2/19/2019) (jwh) (Entered: 02/19/2019)
02/19/2019	<u>I</u>	CASE TRANSFERRED OUT ELECTRONICALLY from the U.S.D.C. Southern District of New York to the United States District Court – District of Southern District of Texas (jwh) (Entered: 02/19/2019)